CLMA No.4693 of 2005
WITH
Civil Contempt No. 118 of 2005

Hon. P.C. Pant, J.

Case called out.

None appeared on behalf of the petitioner. This contempt petition is moved, complaining the disobedience of order dated 15.04.2005, passed in civil misc. application no. 1463 of 2005 in writ petition no. 130 (S/S) of 2005. The direction of said order, was as under:-

"The petitioner is given liberty to file a representation within a period of one week, and the State Government shall decide the representation by a reasoned order within a period of 2 weeks."

From the above order, it is clear that there was no direction to the Public Service Commission, in said order, as such, the respondent no. 2 Sri N.K. Joshi, Secretary, Public Services Commission, Uttaranchal, has wrongly been impleaded as a party. As far as respondent no. 1 Sri Alok Kumar Jain, Ministry of Human Resources, Dehradun, is concerned, he has filed the counter affidavit dated 24.07.2005, wherein he has stated that he was not the secretary of the Department of Human Resources, when the order was passed. He further states in his counter affidavit that he had never been the Secretary, Human Resources at Dehradun. He further clarified that he was working with Central Government, when the impugned order was passed and after he got relieved from the Central Government, he is looking after the affairs of the Tourism, Sports and Youth Welfare and not the Department of Human Resources. As such, he has no intention to commit contempt of court's order.

In view of the aforesaid circumstances, the contempt petition is misconceived. Notices issued to both the contemnors are discharged. The contempt petition is dismissed.

(P.C. Pant, J.)

Dt. 27.07.2005
Sweta